

Appl No. 10/674,097
Amd. Dated June 15, 2007
Reply to Office Action of February 15, 2007

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REMARKS:

The Office Action dated February 15, 2007 has been received and carefully reviewed. Reconsideration of the present application is respectfully requested in view of the above amendments and the remarks below.

Claims 2-13 and 16-26 are pending in the present application, with Claims 3, 4, 13, 20, and 24 in independent format. Claims 1, 14, 15, 22, and 23 were previously canceled without prejudice. Claims 3, 13, 20, and 24 have been amended.

Claim 3 is an independent form claim and, as amended, calls for a modular roof and panel assembly comprising: a plurality of structural members including a pair of elongated frame side members and a pair of elongated frame end members, each of the side members and end members having a planar side surface; the side members and end members being joined at their ends to form a rectangular panel frame with planar outer perimeter surfaces, a top side, and a bottom side; a deck member secured to the top side; and a bracket member secured to one of the end members and extending outwardly therefrom for connecting the end member to a girder.

Claim 3 was rejected under 35 U.S.C. 102(b) as anticipated by Trimmer 3,447,771. Trimmer discloses concrete form panels in which the panels are connected in side-by-side relation by pins 18, with wedges 24 retaining the pins 18 in place. Liners 28 are provided for holes in the sheet metal side walls of the forms to protect the holes from distortion caused by hammering the wedges 24 into and out of the pins 18. The liners 28

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are supported in place by plates 30, to which they are welded. The plates 30 and liners 28 are used in connection with assembling the form panels together; however, there is no disclosure or suggestion in Trimmer that the plates 30 and liners 28 extend outwardly from the ends, or even sides, of the forms or that the plates and liners are used for actual connection of the form panels to other structural members, as is called for in Claim 3. Applicant urges that the concrete form panels of Trimmer are not roof or floor panel assemblies and that the liner and plate 28/30 of Trimmer do not function as a bracket, such as to anticipate or make obvious a bracket extending outwardly from an end member of a panel assembly for connection of the panel assembly to a girder, as called for in Claim 3. Therefore, applicant believes that Claim 3 should allowable.

Claim 3 was also rejected under 35 U.S.C. 102(b) as anticipated by Babstieber 5,160,640. Babstieber discloses concrete form panels, not roof and floor panels, which include outer end and side members 2, vertical "girders" 11, horizontal "girders" 4 and 5, and so-called connecting pieces 8 extending between pairs of girders 4 with "anchoring locations" extending through the connecting pieces 8. The girders 11, 4 and 5 would more conventionally be called ribs which stiffen the panels. The only disclosed structural features which could be used to connect one of Babstieber's panels to an external structure are the apertures shown in the outer members 2 (Fig. 1) which could receive fasteners. There is no disclosure or suggestion of a bracket extending outwardly from any of the outer members 2 to enable connection to an external girder or other structure,

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as called for in Claim 3. Therefore, applicant urges that Claim 3 is not anticipated or made obvious by Babstieber and should be allowable.

Claims 2 and 5-12 depend from Claim 3, add features to the panel assembly defined by Claim 3, and are believed to distinguish over the cited references for the same reasons as Claim 3.

Claim 4 is a independent claim which is similar to Claim 3, except that Claim 4 specifies a T-shaped bracket formed by a bracket web having a first end and a second end and a pair of bracket flanges extending from the first end of the bracket web, the bracket flanges being fastened to an end member of a panel frame, and the second end of the bracket web being adapted for joining to one of the girders.

Claim 4 was rejected under 35 U.S.C. 102(b) as anticipated by Gilbert et al. 2,484,283 which discloses a T-shaped member 40 having flanges 36 and 38 and a web 42. Gilbert is directed to a sectional table, not a roof and floor panel assembly. Sections of the table are connected by fasteners 102 (Fig. 2) extending through adjacent depending flanges of cross channels 72 and 90. The T-shaped member 40 is not disclosed or suggested by Gilbert as a bracket for connecting a panel of the table to another panel or to a girder, cross channel member, or the like. The disclosed purpose of the T-shaped member 40 is to cover a gap between adjacent sections of table tops 32, see column 3, lines 18-30. Since Gilbert does not disclose or suggest a roof and floor panel assembly including a T-shaped bracket which connects an end member of a panel

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frame to a girder, as called for in Claim 4, applicant urges that Claim 4 should distinguish over Gilbert '283 and the other cited references.

Claim 13 is an independent claim and, as amended, is similar to Claim 3 except that Claim 13 calls for each panel assembly to be positioned on a pair of adjacent girders and having first fasteners connecting end members thereof to the girders; and adjacent panel assemblies having adjacent end members thereof positioned on a same girder having end members thereof connected by second fasteners.

Claim 13 was rejected under 35 U.S.C. 102(b) as anticipated by Watson 4,603,532. Referring to Fig. 4 of Watson, end members 8 of panels 2 are supported by girders 18 and have their lower flanges fastened to the common girder. However, there is simply no disclosure or suggestion of a second fastener connecting adjacent end members 8 of panels 2 to each other, as called for in Claim 13. Therefore, applicant urges that Claim 13 should be allowable over Watson and the other cited art.

Claim 13 was also rejected under 35 U.S.C. 103(a) as obvious from Babstieber '640 in view of Watson '532. As stated above, Babstieber is not directed to a roof and floor panel assembly, but to concrete form panels. There is no specific disclosure of the end members or side members of Babstieber being connected to girders. Since Watson actually discloses floor panels which are attached to girders, it is not clear what Babstieber adds to an argument that Claim 13 is obvious. As stated above, Fig. 4 of Watson shows flanges of end members of adjacent floor panels connected by fasteners

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22/24 to girder 18; however, there is no disclosure or suggestion of the end members being connected to each other by second fasteners, as called for in Claim 13. Therefore, applicant urges that Claim 13 is not obvious from a combination of Babstieber and Watson and should be allowable.

Claims 16-19 depend from Claim 13, add features thereto, and are believed to distinguish over the cited references for the same reasons as Claim 13.

Claim 20 is an independent claim and, as amended, calls for a modular roof and floor panel system in combination with parallel, horizontally extending girders, using panel assemblies similar to the assembly defined in Claim 3, including a respective bracket member secured to each of the end members of the panel assemblies and extending outwardly therefrom by which the panel assemblies are joined to the girders. Additionally, Claim 20 calls for panel frames to be joined in side-by-side relation by way of adjacent side members of the frames.

Claim 24 is an independent claim and, as amended calls for a method of assembling a roof and floor deck comprising the steps of: providing a plurality of prefabricated roof and floor deck assemblies similar to those defined in Claim 3, including a respective bracket member secured to each of the end members and extending outwardly therefrom; lifting and positioning a first assembly on and spanning between a pair of existing girders; fastening each of the first assembly end members to a respective one of the girders using the bracket members; lifting and positioning a second

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prefabricated assembly on and spanning between the girders in side-by-side relationship with the first assembly; fastening each of the second assembly end members to the girders using the bracket members; and fastening one of the first assembly side frame members with an adjacent one of the second assembly side frame members.

Claims 20 and 24 were rejected under 35 U.S.C. 102(b) as anticipated by Matsuyama et al. 5,934,033. Matsuyama is directed to a system of wall cladding units 5 which are assembled onto a vertical lattice of horizontal and vertical backing members 3 and 4. Thus, Matsuyama is not directed to a roof and floor panel system, implying a capability of bearing vertical loads, or a method of assembling such a roof and floor panel system. Element 16 which is identified by the Examiner as "girders" is disclosed at column 4, lines 51-60 to be a fastening stringer, further identified as a waterproof tape 17 and an engaging part 18, which cooperates with a similar tape on an adjacent cladding unit and slide fasteners 19 to provide a weather seal between the units (see Fig. 5). The face member 14 (Fig. 3) is disclosed at column 5, lines 19-22 as being a plate material, such as glass material, a screen, or other material.

Claims 20 and 24 call for the panel frames and panel assemblies thereof to have end members thereof connected to girders and to have adjacent side members of adjacent panels/assemblies connected together. In contrast, each of Matsuyama's cladding units has tabs 24 extending from each end member and each side member and has each end member and side member connected respectively to a horizontal backing

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member 3 or a vertical backing member 4. Because Matsuyama does not disclose or suggest a roof and floor panel system which can support vertical loads or a method of assembling such a roof and floor system in which end members of panel frames/assemblies are connected to girders and adjacent side members of adjacent frames/assemblies are connected together, as called for in Claims 20 and 24, applicant urges that Claims 20 and 24 are not anticipated by or obvious from Matsuyama and, therefore, should be allowable.

Claim 21 depends from Claim 20, adds details thereto, and is believed to distinguish over the cited references for the same reasons as Claim 20.

Claims 25 and 26 depend from Claim 24, add steps thereto, and are believed to distinguish over the cited references for the same reasons as Claim 24.

Claims 2-13, 16-21, and 24-26 are presented for reconsideration. Applicant contends that said claims call for prefabricated roof and floor panel assemblies and methods for assembling them onto girders which are not disclosed by or obvious from any of the references of record, either singly or in combination. Therefore, the allowance of Claims 2-13, 16-21, and 24-26 is earnestly solicited.

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The Examiner is invited to contact Applicant's attorney at the telephone number listed below in the event it is felt the prosecution of this application can be expedited thereby.

Respectfully submitted,
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